

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Golden
24877

FILE: B-211356

DATE: April 15, 1983

MATTER OF: Barton Contracting Company

DIGEST:

Protest that contracting officer violated Defense Acquisition Regulation (DAR) by not awarding contract within bid acceptance period is summarily denied. The DAR does not require that an award be made within bid acceptance period and the DAR specifically permits an agency to request a bid extension where administrative difficulties delay an award beyond the bidder's acceptance period.

Barton Contracting Company (BCC) protests award under solicitation No. DACA01-83-C-0020, issued by the Army Corps of Engineers, to any firm other than BCC. BCC contends that the contracting officer violated the Defense Acquisition Regulation (DAR) by not awarding to BCC within the bid acceptance period.

The DAR does not require an award within the initial bid acceptance period, and the Corps properly could request a bid extension. DAR § 2-404.1(c) (Defense Acquisition Circular No. 76-17, September 1, 1978) specifically permits an agency to request an extension of the bid acceptance period in order to avoid the need for readvertisement where administrative difficulties delay an award beyond the bidder's acceptance period. See Tennessee Apparel Corporation, B-194461, April 9, 1979, 79-1 CPD 247. We note that the Government has no right, however, to a bid extension. It is for each bidder to decide whether it wishes to continue to have its bid considered by extending its bid.

We summarily deny the protest.

J. H. Barclay Jr.

for Comptroller General
of the United States

1211.21 - 025315